

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARGOT AUSTIN, Individually §
and On Behalf of All Others Similarly §
Situated, §
PLAINTIFF, §
§
VS. §
§
THE CREEK GROUP COMPANY D/B/A §
CACTUS COVE BAR & PATIO, ONION §
CREEK COFFEEHOUSE BAR & §
LOUNGE, and GARY MOSLEY §
DEFENDANTS. §
§

CIVIL ACTION NO. 4:20-cv-03363

SUPPLEMENTAL DECLARATION OF GUNNAR CREW

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

1. Pursuant to 28 U.S.C. section 1746, I, GUNNAR CREW, declare from my personal knowledge that the following facts are true:

My full name is:	Gunnar Crew.
My date of birth is:	December 21, 1968.
My current address is:	5022 Amargas Isle Dr. Houston, TX 77388
My phone number is:	(832) 508-8368.

2. I have reviewed the Court's Order in which the Court determined the Creek Group's policy to inform bartenders and waiters of the tip credit could have been implemented after Plaintiffs in this suit were hired.
3. As I stated in my original declaration, I was hired by the Creek Group in 2016. I was an Assistant Operations Manager for the Creek Group from 2016 to 2019 and 2020 to 2021. I also served as the Interim Operating Manager from 2019 to 2020. I worked at several restaurants and bars owned by the Creek Group including Cactus Cove.
4. The policy to go over the tip credit was in place and explained to me by Creek Group from the day I was hired in 2016. In addition, I knew to inform any new hires of the tip credit based upon my years in the industry. Cactus Cove was not opened until 2017. I personally trained Paul Lange, Plaintiffs' manager during all

relevant times to this suit, regarding this policy. The policy was to explain the wage to each server/bartender would be \$2.13 per hour and the remainder of the minimum wage or \$5.12 would be made up in tips. Each employee received information regarding the tip credit before being able to work at any Creek Group restaurant.

5. When I made the following statement in my original declaration, I believed it to be clear that the policy to explain the tip credit was a policy of Creek Group from before I hired on in 2016 and carried out as part of Creek Group's policy and practice. "During the time I worked at the Creek Group, I interviewed and hired bartenders and servers to work at Cactus Cove. The Creek Group implemented a policy to go over the pay rate, tip credit and tip pool information in the onboarding process. I trained Paul Lange in this policy, as well. Each employee was informed that they would be paid \$2.13 per hour plus tips and would be paid based upon the tip credit. Employees were also informed as part of this process that tips would be pooled between bartenders and servers and their bussers, or other front of the house employees."



GUNNAR CREW